

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Attorney Docket No. 004770.00622

In re U.S. Patent Application of Scott

Application No. 10/022,220

Filed: December 20, 2001

For: MOBILE TELECOMMUNICATIONS DEVICE

Examiner: Minh D. Dao

Art Unit: 2618

Confirmation No. 4222

**REQUEST FOR REFUND**

Mail Stop 16  
Director of the USPTO  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests a refund of \$570.00 to be credited to our Deposit Account No. 19-0733, as this amount was incorrectly charged on February 13, 2007. Applicants were incorrectly charged for a three-month extension of time for responding on February 13, 2007, to the Final Office Action mailed September 13, 2006. However, the Final Office Action indicated that Applicants had three (3) months from the mailing date to respond, and so only two months' extension of time was necessary for the February 13<sup>th</sup> filing.

Applicant properly indicated in its February 13, 2007 Response that a two-month extension of time was due. However, Applicant inadvertently attached a request for extension of time for three months instead of the intended two months. A copy of the summary sheet for the Final Office Action is enclosed for your review along with a document showing the charge in

Application No. 10/022,220  
Request for Refund

question, which the undersigned believes to be in error. This fee worksheet document can be found in the PAIR IWF record identified as "Fee Worksheet (PTO-06)" dated 2/13/07.

Applicant respectfully requests the fee for the one month extension of time be refunded as it was not necessary. Please refund the \$570 to deposit account no. 19-0733.

Respectfully submitted,

Date: February 27, 2007

By: /William J. Allen/

WILLIAM J. ALLEN  
Registration No. 51,393  
Banner & Witcoff, Ltd.  
10 South Wacker Drive  
Suite 3000  
Chicago, Illinois 60606  
Direct Line: 312-463-5489

02/27/2007 14:14 FAX 13124635001

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,220	12/20/2001	Suzanne Scott	004770.00622	4222
EXAMINER				
DAO, MINH D				
ART UNIT			PAPER NUMBER	
2618				

22907 7190 09/13/2006  
BANNER & WITCOFF  
1001 G STREET NW  
SUITE 1100  
WASHINGTON, DC 20001

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SEP 15 2006

BANNER & WITCOFF, LTD.

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Docketed 9/15/06  
Attny JB/BC/PPB  
Case Ref 004770.00622  
Action 3 mo CA Resp. Due  
Due Date 12/13/06  
Last Day 3/13/07  
By col

PTO-90C (Rev. 10/03)

\* Notice of Appeal Due

## Office Action Summary

Application No.

10/022.220

Examiner

MINH D. DAO

Applicant(s)

SCOTT, SUZANNE

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11, 13-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-949)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/003)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

U.S. Patent and Trademark Office  
PTOL-326 (Rev. 08-06)

Office Action Summary

Part of Paper No./Mail Date 20060908

Electronic Patent Application Fee Transmittal				
Application Number:	10022220			
Filing Date:	20-Dec-2001			
Title of Invention:	Mobile telecommunications device			
First Named Inventor/Applicant Name:	Suzanne Scott			
Filer:	William J. Allen/Bobbi Odom			
Attorney Docket Number:	004770.00622			
Filed as Large Entity				
Utility	Filing Fees			
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous Filing:				
Petition:				
Patent Appeals and Interference:				
Post-Allowance and Post-Issuance:				
Extension of Time:				
Extension - 3 months with \$0 paid	1253	1	1020	1020

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Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				1020

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CHICAGO, ILLINOIS 60606

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## FACSIMILE TRANSMITTAL SHEET

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Refunds Branch	William J. Allen
COMPANY:	DATE:
U.S. Patent and Trademark Office	February 27, 2007
FAX NO.:	TOTAL NO. OF PAGES: (including cover sheet)
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YOUR REFERENCE NO.:	OUR REFERENCE (C/M) NO.:
10/022,220	004770.00622
RE:	
Request for Refund	

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NAME:	PHONE:
Julie M. Welsenberger	312-463-5541

### COMMENTS:

Please see attached Request for Refund.

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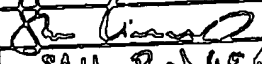
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/022,220
	Filing Date	December 20, 2001
	First Named Inventor	Suzanne Scott
	Art Unit	2618
	Examiner Name	Minh D. Dao
	Attorney Docket Number	004770.00322
Total Number of Pages in This Submission		7

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): > 03/13/08 Final Office Action Summary Sheet > Electronic Patent Application Fee Transmittal Sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Banner & Witcoff, LTD.		
Signature	William J. Allen		
Printed Name	William J. Allen		
Date	February 27, 2007	Reg. No.	51,393

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature		Date	February 27, 2007
Typed or printed name		W. J. Allen	

This collection of information is required by 37 CFR 1.5. This information is required to obtain or retain a benefit by the public which is to file (and/or) the USPTO to process an application. Confidentiality is governed by 38 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the burden of this you require to complete this form under suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-0199 and select option 2.

(1175020)



<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b> <b>FY 2005</b> <b>(fees effective on or after December 8, 2004)</b>		Docket Number (Optional)  004770.00622
Application Number 10/022,220		Filed December 20, 2001
For Mobile Telecommunications Device		
Art Unit 2618		Examiner Dao

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$_____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$_____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	<u>\$1020</u>
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$_____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$_____

- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-0733. I have enclosed a duplicate copy of this sheet.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

- I am the ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

- ☒ attorney or agent of record. Registration No. 51,393
- ☐ attorney or agent under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

_____ /William J. Allen/ Signature	_____ February 13, 2007 Date
_____ William J. Allen Typed or printed name	_____ 312-463-5000 Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

- ☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the submission of an application to the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. The fee of \$100 is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 03/16/2007  
02/13/2007 INTEFSW 00001558090733 10022220  
01-FC-1252 00001558090733 10022220

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